

Economic Analysis of HB18-1252

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Draft 4

Theoretically, rampant cheating would hurt the reputation of institutions and reduce the credibility of alumni, which would lead to negative effects for both students and the institutions. Government intervention in this case aims to reduce the likelihood of cheating by increasing the possible consequences, which would improve the efficiency of the market signal of a degree.

While this proposed measure would be the first of its kind in Colorado to make academic cheating illegal, it is not the first measure to attempt to limit cheating at institutions of higher education. According to the Colorado Department of Higher Education, there are currently 94 non-profit institutions of higher education in the state. An examination of each of the websites for these institutions, undertaken for the purposes of this analysis found that each institution has a student handbook that includes either a student code of conduct, an honor code or a disciplinary outline that all explicitly delineate consequences of cheating. In many cases, the consequences include failure of assignments, failure of courses, academic suspension, or expulsion.

Additionally, a student found guilty of academic cheating often has their transcript marked permanently. This makes transferring institutions or applying to graduate school more problematic (Carpenter).

Adopting the proposal would make sense if these sanctions were not severe enough to curb cheating in academics, but this is not the case. According to a report by CBS, the University of Colorado, Colorado State University and Denver University saw cheating cases equal to about 0.95% of their student body in 2013 (Ackerman). The report asserts that reported cheating actually increased at each of these institutions in recent years, but still finds only a few hundred cases at institutions with enrollments approaching 30,000. This is attributed to an increased crackdown and not to an increase

in cheating instances, which implies that institutions are improved at finding and disciplining offenders.

Implementing successful legal sanctions would also be difficult. Part of the issue with prosecuting cases is that courts have a much higher burden of proof than an institution does. Courts would have to determine that defendants cheated beyond reasonable doubt, which is difficult in this area.

Additionally, the scope of this bill only affects instances where students pay for assistance or assignments. Institutions can rely on testimony from students and expert opinion to make educated judgments, but they only need to decide if guilt is likely or not. The courts would have no grounds to punish any students who cheated without selling or offering to sell assignments or other assistance. However, penalties in place at all institutions exist for each type scope is not mitigating an area of market failure previously unaddressed.

If passed, the

expulsion can cost students a significant amount already and are likely a large deterrent. According to a study using Department of Education tuition data, the average cost of a single credit hour at a four-year public college was found to be \$325. At a two-year public college, the cost is \$135 and at a four-year private college the cost is \$1,039. This means that failing a three-credit course due to cheating could cost a student anywhere from \$405 to \$3,117 in just tuition and fees (Kirkham).

Additionally, since the bill works as intended only if students are aware of the new legislation, there is a reliance on students to know that this new law would be created. If students are unaware of the proposed additional consequences of academic cheating, then students will not be dissuaded from cheating and the state will be successful only in creating more cases to litigate. This would increase the number of criminal records, hurt the reputation of schools publicly, and make defense attorneys and district attorneys be responsible for processing and prosecuting more cases.

The bill correctly identifies a market failure where asymmetrical information between student and employer contributes to an inefficiency. However, the bill corrects this failure in an impractical and short-sighted way that does not do enough to change the mechanisms of deterring cheating and instead only adds to the consequences in permanent and detrimental ways that expand outside the academic sphere and follow offenders for the rest of their lives. The court system in the state does not need more to focus on and public defenders do not need a heavier workload. Most importantly Colorado does not need more citizens hamstrung by misdemeanor offenses that plague them. The positives of this bill are greatly outweighed by the negatives of it, and therefore HB18-1252 should not be supported.

Works Cited

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